IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 33775 of 2007(U)

AGAINST THE ORDER DATED / / IN EP 464/04 IN OS.587/2003 of PRL.M.C.,IRINJALAKUDA

PETITIONER:

RAVEENDRAN, S/O. MAMAN,
KOLLADIKKAL HOUSE, IRINJALAKUDA VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENTS:

INSAT KURIES & LOANS (P) LTD.,
VELLANGALLOOR, THRISSUR DISTRICT, PIN-680 662.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No. 33775 OF 2007

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Dated this the 15th day of November 2007

JUDGMENT

This writ petition is filed to set aside Ext.P3 order. By Ext.P3 order the executing court had directed issuance of arrest warrant to the 2nd judgment debtor with police aid. The said order was passed on 23.7.2007. On 21.7.2007, the petitioner moved an application for recalling the warrant of arrest and paid a sum of Rs.5,000/-. A perusal of Ext.P2 would reveal that he had paid Rs.20,800/- to the decree holder. It is submitted by the learned counsel for the petitioner that approximately an amount of Rs.39,000/- is still due and though his client is suffering from tuberculosis and other ailments, he is prepared to pay the amount and arrest warrant may be recalled. The suit is of the year 2003 and the judgment debtor has paid more than Rs.20,000/- towards decree debt. He has got the desire to pay the amount as well.

Therefore, taking into consideration all these facts and circumstances of the case, I dispose of the writ petition as follows: The petitioner herein is directed to pay a sum of Rs.10,000/- on or before 15.12.2007 and pay the

balance decree amount in 3 equal monthly instalments commencing from 15.1.2008. If he commits default of the initial payment or any of the monthly instalments later he shall forfeit the benefit of the order given to him. In order to permit him to pay the amount the court below is directed to defer the execution of the arrest warrant for the said period. In case of default of the conditions, the decree holder will be at liberty to move the court for execution of the warrant and detention of the petitioner in civil prison.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-